

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8675

UNITED STATES OF AMERICA,

Plaintiff,

v.

German GARCIA-Cortez

Defendant.

Magistrate Case No.:


COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)


The undersigned complainant being duly sworn states:

That on or about July 22, 2008, within the Southern District of California, defendant German GARCIA-Cortez did knowingly and intentionally import approximately 4,647.10 kilograms (10,223.62 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


JOE MORQUECHO
Special Agent
U. S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24TH,
DAY OF JULY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 German GARCIA-Cortez.

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes furnished
6 to U. S. Immigration and Customs Enforcement Special Agent Joe Morquecho.

7 On July 22, 2008, at approximately 1705 hours, German GARCIA-Cortez
8 (GARCIA) entered the United States at the Calexico, California, east commercial port of
9 entry. GARCIA was the driver of a 2005 Kenworth tractor trailer.

10 Customs Border Protection Officer Velasco noted during the primary inspection
11 that the tractor trailer had been randomly selected for secondary inspection. Officer
12 Velasco received a negative oral customs declaration from GARCIA. Officer Velasco
13 referred GARCIA and the 2005 Kenworth tractor trailer to the vehicle secondary lot for a
14 more intensive inspection.

15 In the vehicle secondary lot, the tractor and trailer were subjected to an x-ray
16 inspection, which resulted in visible anomalies located in the trailer. The trailer was
17 referred to the enforcement docks for a visual inspection. Officer Velasco instructed
18 GARCIA to remove the trailer seal and open the trailer for visual inspection. GARCIA
19 complied and removed the seal. Officer Velasco instructed the R.L. Jones forklift driver
20 to unload the trailer. The forklift driver informed Officer Velasco that there was a "funny"
21 smell coming from inside the trailer. Officer Velasco entered the trailer and inspected a
22 box. Inside the box Officer Velasco saw one brick-shaped bundle. Officer Velasco
23 probed one of the packages and a sample of a green leafy substance was obtained.
24 Officer Velasco field tested the green leafy substance, which tested positive for
25 marijuana.

26 Immigration & Customs Enforcement Special Agents Morquecho and B. Wood
27 initiated and conducted a follow up operation.

28 GARCIA was released from the vehicle secondary inspection area and left
29 northbound on California State Highway 7. GARCIA entered the California Highway
Patrol (CHP) commercial vehicle scales. GARCIA was cleared from the scales and

1 attempted to park the tractor trailer in the CHP facility parking area. GARCIA was
2 informed by CHP officers that he could not park the tractor trailer in that location.
3 GARCIA left the CHP facility and proceeded northbound on highway 7 until he arrived at
4 Heber Road where he made a west bound turn. GARCIA proceeded until he reached a
5 tractor trailer parking lot at the intersection of California State Highway 111 and Heber
6 Road. GARCIA entered the lot and parked the trailer. GARCIA left the lot in the tractor
7 and took a route to return to Mexicali, Baja California, Mexico. GARCIA was stopped
8 and arrested by ICE agents while he was driving southbound on Highway 7.

9 GARCIA was advised of his rights per Miranda. GARCIA stated he understood
10 his rights and agreed to answer questions without the presence of an attorney.
11 GARCIA stated he had been dispatched to take the trailer to the trailer yard and was
12 returning to Mexico. GARCIA stated the trailer was sealed when he picked up the
13 trailer, and he had inspected the trailer to ensure that the number of the seal on the
14 trailer matched the manifest. GARCIA said that he never inspected the inside of the
15 trailer. GARCIA said he was not aware the trailer containing marijuana.

16 A subsequent inspection of the trailer revealed 469 packages inside multiple
17 brown boxes. The 469 packages had a combined net weight of approximately 4,647.10
18 kilograms (10,223.62 pounds).

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